

### **REMARKS**

By this amendment, claims 1-3 have been amended, independent and generic claims 1 and 11 are in clear condition for allowance; all dependent claims, including species claims should be allowable with the independent claims including claims 4, 5, and 7-10 which have been provisionally withdrawn pending allowance of a generic claim. Amendments have been made to the specification and to the drawings to address objections by the Examiner.

#### **Telephone Interview Summary**

The applicant would like to thank the Examiner for a telephone Interview conducted on March 3, 2005. The topic of the interview was to address a previous election of species requirement from the Examiner in an Office Action dated December 20, 2004. The requirement concerned election of one of the strip species of Figure 3 and Figure 13. As recorded by the Examiner, apparently claims 1-3 and 6 were elected and designated as being readable on Figure 3. However, the elected and examined claims 1-3 and 6 clearly read on Figure 13 and not Figure 3. Accordingly, it is confirmed that the election should have designated Figure 13 and not Figure 3.

#### **Election of Species**

Through a miscommunication in the aforementioned Interview, it appears that the referenced Figure 3 does not correspond to the examined claims. The limitations of independent claim 1 are only illustrated in Figure 13 (and corresponding Figure 9) and not in Figure 3. Accordingly, Figure 13 should be the elected Figure to be

considered in the process of examination of claims 1-3 and 6. Further, the examined claims should include claims 11-13 because these claims also correspond to Figure 13 and are not withdrawn.

### **Objections to the Drawings**

The newly amended drawings address all of the objections cited by the examiner. Appropriate withdrawal of these objections is solicited.

### **Summary of the Rejections**

Claims 1-3 and 6 stand rejected under 35 U.S.C §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 1-3 and 6 also stand rejected under 35 U.S.C §102(b) as allegedly being unpatentable over US Patent No. 6,227,779 to Bullock, (hereafter referred to as "Bullock '779").

### **35 U.S.C §112, Second Paragraph Rejections**

The 35 U.S.C. §112 rejections of claims 1-3 and 6 are overcome in light of the minor grammatical amendments to the claims shown above.

### **35 U.S.C. §102(b) rejection over Bullock '779**

Applicant respectfully traverses this rejection.

Independent claim 1 features:

**“a plurality of transverse adhesive strips connected to an outer portion...and said adhesive strips extending transversely across said one end of said first strip of reinforcement material and being laterally spaced a distance to correspond to the lateral spacing of said land surface areas of one of the side wall surfaces...”** (emphasis added)

Similarly, independent claim 11 features:

**“...a plurality of parallel transversely extending adhesive strips each having a first side and a second side and partially extending along and coating a portion of said second side of said second layer of monolithic material and being laterally spaced to correspond to the land areas of the corrugated side wall of the intermodal container...”** (emphasis added)

Bullock '779 teaches a cargo restraint method for securing cargo within transport containers which includes a restraining strip. As shown in Figure 3 and stated in column 5, line 64 – column 6, line 22, an “adhesive coating is coextensively applied to a first side of the restraining strip” and “a release paper 34 is applied...and is cut with perforation columns...Alternatively, separate, non-perforated, panels of release paper 38 may be used...” (emphasis added). In column 6, lines 23-36, the reference goes on to note that adhesive and release paper may only be placed where it is necessary to be used and not along the full length of the restraining strip.

As noted in MPEP 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Bullock '779 does not meet this minimum criteria.

Regarding claim 1, in paragraph 14 of the previous Office Action, the Examiner states that Bullock '779 "includes a plurality of spaced transverse adhesive strips." While the reference does allow for adhesive to be placed in "pre-selected portions of the strip" (column 6, line 25), it fails to teach the adhesive being applied in strips **laterally spaced a distance to correspond to the lateral spacing of said land surface areas of one of the side wall surfaces** as shown in independent claims 1 and 11. Therefore, the reference fails to teach, either expressly or inherently, each and every element as set forth in the claim.

Also in paragraph 14, the Examiner states with respect to the applicant's prior Bullock '779 patent that: "To the extent that the adhesive strips in the Figure 5 embodiment are at least spaced to some degree to correspond to the land areas, they are deemed laterally spaced." This is a mischaracterization of the reference, nothing in the reference teaches or suggests that the adhesive strips are spaced to correspond to land areas, just that the adhesive strips may be placed only in pre-selected areas such as only at one end.

Regarding claim 2, the Bullock reference '779 fails to teach or suggest the limitation of adhesive strips spaced to correspond to land areas of the side wall

surfaces as required in independent claim 1. For at least this reason, the reference fails to teach or suggest all the limitations of the claim.

Regarding claim 3, the Bullock reference '779 fails to teach or suggest the limitation of adhesive strips spaced to correspond to land areas of the side wall surfaces as required in independent claim 1. Further, the Examiner states that strands 40 and 42 (in Figure 4a of Bullock '779) correspond to the first and second reinforcement strips of the claim. However, strands 40 and 42 are reinforcement strands that are a portion of a single restraining strip and strengthen the single strip. The first and second reinforcement strips of the claim are distinct from the strands 40 and 42 of the reference. For at least these reasons, the reference fails to teach or suggest all the limitations of the claim.

Regarding claim 6, the Bullock reference '779 fails to teach or suggest the limitation of adhesive strips spaced to correspond to land areas of the side wall surfaces as required in independent claim 1. For at least this reason, the reference fails to teach or suggest all the limitations of the claim.

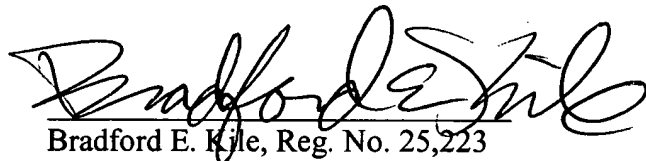
The Examiner also provided an additional reference of record to Blatt. This reference also fails to teach the limitations of the instant claims.

### Conclusion

In light of the amendment and the reasons set forth above, it is respectfully submitted that all of the pending claims are in condition for allowance.

If additional fees are required, the Commissioner is hereby authorized to charge any additional fees to the undersigned's deposit account number 11-0853.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bradford E. Kile", is written over a horizontal line.

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**Appendix**

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figures 4 and 8. These sheets replace the original sheets that included the amended figures. In Figure 4, reference number 55 has been added. In Figure 8, reference number 68 has been added, reference number 100 has been repositioned, one of the two reference numbers 102 has been deleted, and the reference number 80 has been added.

Attachment: Replacement sheets in Appendix following page 28